

THE NATIONAL PROVIDENT FUND (AMENDMENT) DECREE 1967



Decree No. 40

[14th September 1967]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The National Provident Fund Act 1961 shall be amended in the following manner, that is to say—

(a) for section 6 thereof (which relates to the appointment and powers of inspectors) ;

(b) for section 7 thereof (which relates to the appointment and duties of officers other than inspectors of the Fund) ; and

(c) for section 40 thereof (which, among other things, deals with powers of inspectors as to conduct of criminal proceedings),

there shall be substituted the provisions set out respectively in Parts I, II and III of the Schedule of this Decree.

Miscellaneous
amendments
of 1961
No. 20.

2. This Decree may be cited as the National Provident Fund (Amendment) Decree 1967 and shall apply throughout the Federation.

Citation and
extent.

SCHEDULE

Section 1

PART I

PROVISIONS TO BE SUBSTITUTED FOR SECTION 6

“Appoint-
ment and
powers of
inspectors.

6.—(1) There may from time to time be appointed inspectors for the purposes of this Act.

(2) Any inspector appointed under this Act shall, for the purposes of the execution of this Act, have power to do the following things, that is to say—

(a) to enter, inspect and examine by day or by night any premises or place, when he has reasonable cause to believe that workers are employed therein ;

(b) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty ;

(c) to require the production of registers, certificates, notices and documents kept in pursuance of this Act and to inspect, examine and copy any of them ;

(d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with ; and

(e) to examine any person either alone or in the presence of any other person as he thinks fit, with respect to matters under this Act, and to require every such person to sign a declaration of the truth of the matters respecting which he is so examined ; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to incriminate himself.

(3) Every occupier of such premises or place, his agents and servants shall, where necessary, furnish the means required by the inspector for the purposes of such entry, inspection, examination or inquiry, or otherwise for the due exercise of his powers under this Act.

(4) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any premises or place, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under the provisions of this Act.

(5) Where an inspector is obstructed in the execution of his powers or duties under the provisions of this Act, the person obstructing him shall be guilty of an offence, and liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment ; and where the inspector is obstructed in any premises or place, the occupier of the premises or place shall be guilty of an offence.

(6) Nothing in this section shall authorise entry of any premises or place occupied by a department or office of the Government of the Federation or any Government of a State.

(7) For the purposes of this section—

Cap. 42.

“document” has the meaning assigned by section 463 of the Criminal Code ;

“premises” means any building or other erection used for the purpose of business, but does not include a dwelling used exclusively for residential purposes.”

PART II

PROVISION TO BE SUBSTITUTED FOR SECTION 7

"Appoint-
ment, etc. of
other
officers.

7. There may from time to time be appointed as officers or employees such number of persons as may be necessary for the administration of this Act, who shall be subject to the general control of the Director, and who shall perform such duties as the Director may authorise."

PART III

PROVISIONS TO BE SUBSTITUTED FOR SECTION 40

"Powers of
prosecution
in criminal
proceedings.
1963 No. 20.

40.—(1) Subject to the provisions of section 104 of the Constitution of the Federation (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in any court of law) an authorised officer may before any magistrates' court prosecute, conduct or defend any complaint or other proceeding arising under this Act or in the discharge of his duty as such officer.

(2) It shall not be an objection to the competency of an authorised officer to give evidence as a witness in any prosecution for an offence against this Act that the action is prosecuted, conducted or defended by him.

(3) In this section, "an authorised officer" means an inspector, or any other person, authorised by the Director to act in the manner prescribed above."

MADE at Lagos this 14th day of September 1967.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*